

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STEPHEN ELLIOTT,

Plaintiff,

- against -

MOIRA DONEGAN, and JANE DOES (1–30),

Defendants.

Oral Argument Requested

No. 1:18-cv-05680-LDH-SJB

**NOTICE OF DEFENDANT MOIRA DONEGAN’S MOTION TO DISMISS
THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Defendant Moira Donegan’s Motion to Dismiss the Second Amended Complaint, the Declaration of Martha E. Fitzgerald dated May 8, 2019, and all other papers and proceedings herein, Defendant Moira Donegan, by and through her counsel, will move this Court, before the Honorable LaShann DeArcy Hall, United States District Judge, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Second Amended Complaint (ECF 37) in its entirety with prejudice.

Dated: May 8, 2019

Respectfully submitted,

/s/ Roberta A. Kaplan

Roberta A. Kaplan

Joshua Matz

Martha E. Fitzgerald

Thomas A. Rawlinson

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